THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18230 of 2007

28.8.2007

Between:
Bolisetti Venkataramana, S/o.Papa Rao

…Petitioner

And

The Station House Officer, Rolugunta P.S. Visakhapatnam District
And others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18230 of 2007

ORDER:

Petitioner is resident of Mokasa Kotha Patnam village of Rolugunta Mandal in Visakhapatnam District. He filed the instant writ petition seeking a writ of Mandamus declaring the action of first respondent, namely, Station House Officer, P.S. Rolugunta, in not removing the illegal encroachment made by third respondent on road margin in SC/BC Colony in Plot No.11, as illegal and arbitrary. He also seeks consequential direction to respondents 1 and 2 to evict third respondent.

After hearing learned Counsel for petitioner and perusing the material placed before this Court, it is clear that petitioner and nine others filed M.C.No.45 of 2005 under Section 133 of Criminal Procedure Code, 1973, before Sub Divisional Magistrate, Narsipatnam. He passed an order directing third respondent to remove encroachment made by him on the road margin. If that be so, remedy of the petitioner is to file appropriate application before the Sub Divisional Magistrate to issue a warrant to remove encroachment. Instead of pursuing the matter with Sub Divisional Magistrate, present writ petition is filed, which is misconceived.

The writ petition is therefore dismissed. No costs.

(**V.V.S.RAO, J**)

August 28, 2007
YS